

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 10-059
v.	*	SECTION: J
SYLVIA BARNES	*	VIOLATION: 18 U.S.C. § 1343
		18 U.S.C. § 2
*	*	*

FACTUAL BASIS

The defendant, **SYLVIA BARNES** (hereafter “the defendant” or “**BARNES**”), has agreed to plead guilty as charged to the one-count Bill of Information charging her with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2. In pleading guilty, the defendant admits the following facts as set forth below.

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissibly tangible exhibits, including the testimony of special agents of the Federal Bureau of Investigation (“FBI”), employees of the American Red Cross (“Red Cross”) and others, the following facts to support the allegations charged by the United States Attorney in the Bill of Information now pending against the defendant, as well as the relevant history for sentencing purposes set forth below:

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane Katrina. People affected by the storms were able to apply for a one-time only financial grant of up to \$1,565 from the Red Cross. To receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest either that they had not applied for, or that they had not received, any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available in one of several ways, including: (1) a personal check made payable to the applicant, authorized by the Red Cross, and delivered on-site or mailed through the United States Postal Service to an address provided by the applicant; (2) a Red Cross-issued “Discover” card, issued on-site and activated via phone by the applicant; (3) a Red Cross-issued Capital One Bank “Visa” card, issued on-site and activated via phone by the applicant; (4) a Red Cross-issued Client Assistance Card, which the Red Cross purchased from national banks and which operated in a manner consistent with credit/debit/ATM cards, issued on-site; (5) a personal check authorized by the Red Cross, issued by “Paychex, Inc.,” and mailed through the United States Postal Service from the state of New York to an address provided by the applicant; (6) a Red Cross-issued “Client Assistance Card (“CAC”),” which the Red Cross purchased from national banks and which operated in a manner consistent with debit/credit/ATM cards, issued on-site or mailed, then activated by the applicant after approval; (7) a Western Union money wire, sent to the applicant at local

Western Union outlets; (8) a traveler's check made payable to the applicant and delivered on-site; (9) a money order delivered to the applicant on-site; (10) a disbursement order, which include instruments that could be cashed at a bank or used to purchase goods and services at stores and hotels, delivered to the applicant on-site; or (11) cash, delivered on-site to the applicant.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **SYLVIA BARNES** presented herself to Red Cross assistance centers in the Eastern District of Louisiana and elsewhere on four (4) occasions between September 2, 2005, and October 5, 2005. On each visit, she applied for financial assistance and indicated that she had not received any other financial assistance from the ARC.

As a result of her false and fraudulent statements on these applications, the defendant, **SYLVIA BARNES**, received direct financial assistance from the Red Cross in one of the manners described above, totaling at least \$5,025.00, of which \$4,695.00 was fraudulently obtained. Competent testimony and admissible exhibits would be introduced to prove that one of the occasions that **SYLVIA BARNES** applied for assistance was October 3, 2005, when the defendant applied for and received a pre-loaded Discover debit/gift card, numbered XXXX-XXXX-XXXX-1861, issued by Red Cross at an assistance center located within the Eastern District of Louisiana. She received this assistance only after she specifically attested and swore that she had not received any other financial assistance from the Red Cross when, in fact, she knew she had received such assistance prior to October 3, 2005. Through the testimony of an employee of the Red Cross, certain documents and exhibits would be offered and introduced into evidence to prove that the defendant's fraudulent application and actions directly led to the disbursement of the Discover debit/gift card..

An employee of Discover would testify, and admissible records would be submitted to prove, that on or about October 4, 2005, the pre-loaded Discover debit/gift card, numbered XXXX-XXXX-

XXXX-1861, issued by Red Cross to the defendant, **SYLVIA BARNES**, was used in the Eastern District of Louisiana at “Foot Locker,” located in Slidell, Louisiana, and “The Shoe Depot,” located in Slidell, Louisiana. These uses, in turn, caused certain writings, signs, signals, and sounds to be sent from their respective points of use in Slidell, Louisiana to a data center outside the state of Louisiana, authorizing the defendant, **SYLVIA BARNES**, to obtain money and purchase items at Foot Locker, located in Slidell, Louisiana and The Shoe Depot, located in Slidell, Louisiana.

APPROVED AND ACCEPTED:

JORDAN GINSBERG
Assistant United States Attorney
Illinois Bar Roll No. 6282956

Date

SYLVIA BARNES
Defendant

Date

CYNTHIA CIMINO
Attorney for the Defendant
LA Bar Roll No.

Date